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09/718,498	11/24/2000	Renford Heaysman	367.39322X00	2503

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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/718,498

Applicant(s)

HEAYSMAN, RENFORD

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/2/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Amendment*

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giel in view of Jung.

Regarding claim 1 Giel teaches a radiotelephone handset with a display, and a keypad (see pg. 4, lines 8-11). Giel teaches a cover movable from between a closed position and an open position in which the keypad is accessible to the user (see pg. 4, lines 18-23). Giel teaches lighting a display to an extent limited by the position of a cover (see pg. 4, lines 18-23). Giel also teaches a means for lighting a keypad (see pg. 4, lines 18-25 and pg. 13, lines 8-10). Giel does not teach lighting a keypad using the position of a cover. Jung teaches lighting a keypad to an extent limited by the position of a cover (see pg. 1, lines 12-15 and pg 2, lines 6-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Giel adapt to include lighting a keypad using the position of a cover because this would allow for an improved display and keypad operation in a portable radiotelephone handset with an open/close type display.

Regarding claim 3 Giel and Jung teach a device as recited in claim 1 except for a cover that when in a closed position, all the keys of a keypad, but not the display, are obscured by a

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cover and providing lighting to a display when a cover is in a closed position. Giel does teach a cover that when in a closed position, all of the keys of the keypad, but not the display, are obscured by the cover (see pg. 4, lines 8-13 & 18-21 and FIG. 1). Giel does teach providing light to a display when an incoming alert is received (see pg. 10, lines 9-13 & 28-32). It would be have been obvious to one of ordinary skill in the art to make the invention adapt to include a cover that when in a closed position, all the keys of a keypad, but not the display, are obscured by a cover and providing lighting to a display when a cover is in a closed position because this would allow for a radiotelephone handset with an open/close type display in which information can be seen from a closed state.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giel in view of Jung and Ulveland.

Regarding claim 2 Giel and Jung teach a device as recited in claim 1 except for a cover that when in a closed position, the display and all the keys of the keypad are obscured by the cover, and a cover that when in a closed position, the lighting means is not operable to provide any light. Ulveland teaches a cover for a radiotelephone that is movable from between a closed position and an open position and that when in a closed position the display and all the keys of the keypad are obscured by the cover (see col. 3, lines 38-45 and FIGS. 2-4). Jung does teach a cover that when in a closed position, has lighting means, which is not operable to provide any light (see pg. 1, lines 12-15 and pg. 2, lines 18-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a cover that when in a closed position, the display and all the keys of the keypad are obscured by the cover, and a cover that when in a closed position, the lighting means is not operable to

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provide any light because this would allow for control of back-light lamps in a flip-type portable telephone.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giel in view of Jung and Nagai.

Regarding claim 4 Giel and Jung teach a device as recited in claim 1 except for a cover that when in a closed position, has some but not all of the keys of a keypad and not the display obscured by a cover and when the cover is in a closed position, the lighting means can light only the display and those keys of the keypad not obscured by a cover. Nagai teaches a cover that when in a closed position, has some but not all of the keys of a keypad obscured by a cover (see col. 2, lines 10-14). Nagai also teaches a sliding cover for a portable phone able to obscure part of a housing body and keypad by slidably moving the cover through curved surfaces (see pg. 7, lines 40-58 and Fig. 7). Giel does teach lighting a display to an extent limited by the position of a cover (see pg. 4, lines 18-23) and a display and keypad lighting means that only lights part of a display (see pg. 8, lines 12-16). Jung does teach providing lighting to keys of a keypad to an extent limited by the position of a cover (see pg 1, lines 12-15 and pg 2, lines 6-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a cover that when in a closed position, has some but not all of the keys of a keypad and not the display obscured by a cover and when the cover is in a closed position, the lighting means can light only the display and those keys of the keypad not obscured by a cover because this would allow for a radiotelephone handset with an open/close type display in which information can be seen from a closed state.

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Regarding claim 5 Nagai teaches a radiotelephone handset with a cover that has a slide (see pg. 7, lines 39-43).

Regarding claim 6 Nagai teaches a radiotelephone handset with a cover that has a flip (see pg. 30-38).

Regarding claim 7 Giel teaches controlling a radiotelephone handset including a user-moveable cover and user input interface lighting, wherein the user input interface lighting is activated when the user interface is not hidden by a cover as determined by a detected position of the cover (see pg. 4, lines 8-12 & 18-23 and pg. 6, lines 27-35). Giel does not teach user interface lighting that is activated only for portions of the user input interface, which are not hidden by the cover as determined by the position of the cover. Jung teaches lighting a keypad to an extent limited by the position of a cover (see pg. 1, lines 12-15 and pg 2, lines 6-9). Nagai teaches a sliding cover for a portable phone able to obscure portions of a housing body and keypad by slidably moving the cover through curved surfaces (see pg. 7, lines 40-58 and Fig. 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include user interface lighting that is activated only for portions of the user input interface, which are not hidden by the cover as determined by the position of the cover because this would allow for an improved display and keypad operation in a portable radiotelephone handset with an open/close type display.

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

He U.S. Patent 6,323,849 discloses a display module with reduced power consumption.

Hattori U.S. Patent 5,638,441 discloses a portable telephone apparatus with rotatable cover allowing enhanced option key access.

Miyashita European Patent 0 682 434 discloses a portable telephone set.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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June 5, 2003

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
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